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10/019,397	12/28/2001	Konstantinos Poulakis	42120	8736

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Mark S Bicks
Roylance Abrams Berdo & Goodman
Suite 600
1300 19th Street NW
Washington, DC 20036

EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,397

Applicant(s)

POULAKIS, KONSTANTINOS

Examiner

Barbara J. Musser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear if the slip preventer is a coating on the strip or made of the strip itself as it is unclear in line 9 what "serving as the plastic forming the shaped strip" refers to. Since it is located directly after a description of the slip preventer, but the claim also indicates the slip preventer is applied to the periphery of the strip. For the purposes of examination and based on the specification, it is assumed that the slip preventer is applied to the periphery of the strip and does not comprise the entire strip. It is unclear if the claim is intended to be open or closed as the word "consisting" appears in line 4, but the word "characterizing" appears to separate the body of the claim from the preamble. For the purposes of examination, the claim is assumed to be open.

Regarding claim 3, it is unclear whether extrusion or coextrusion is intended, as the claim indicates coextrusion, but in coextrusion one layer is not applied onto another but rather they exit the die already joined together.

Claim 8 recites the limitation "the undercut" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 9, it is unclear what shapes are included in "a type of fixing wedge or fixing anchor".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulte(DE 19808995) in view of Wolff et al.(EP 0157380) and Maruyama(U.S Patent 4,718,718)

U.S Patent 6,478,382) is considered an English language translation of DE 19808995 and all column and line numbers refer thereto. Schulte discloses a flexible shaped strip which serves to secure a cover to a foamed seat cushion having a longitudinal slit into which the strip is applied.(Figure 1; Abstract; Col. 1, ll. 6-13; Col. 4, ll. 3) The part of the strip containing the slit into which the cover is inserted is provided with an anti-slip means.(Col. 3, ll. 52-57) The reference does not disclose what these anti-slip means are. Wolff et al. discloses an plastic insert coated with a softer foam material which can be located in a seat cushion.(Abstract) One in the art would appreciate that this softer foam layer would prevent slippage of the insert relative to the material it was placed in. Maruyama et al. discloses applying a rubber layer to the outside of a wire which is a strip which secures a cover to a foamed seat cushion.(Col.

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2, ll. 4-11; Col. 3, ll. 27-30) Rubber is an anti-slip material and applicant's claim 7 indicates it is considered a plastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the shaped strip of Schulte with a soft plastic material which is anti-slip since Schulte is silent as to the anti-slip material used, since Wolff et al. discloses it is known to coat harder materials with softer materials for insertion into seats, and since Maruyama et al. discloses it is known to coat strips that perform the same function with rubber, which is an anti-slip material.

Regarding claim 6, the references do not disclose curing the coating using ultraviolet or electron beam radiation. One in the art would appreciate that any type of material that would form a relatively soft anti-slip coating could be used. Such materials include rubbers, which should be cured. Since thermal curing would melt the plastic the rubber is coated on, one in the art would appreciate that a different type of cure such as ultraviolet, which is well-known in the curing arts, would be used in place of a thermal cure for rubber coatings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ultraviolet radiation to cure the coating on the shaped strip since this would allow curing of the coating without exposing the strip to high temperatures that would degrade the polymer used as the base for the strip.

Regarding claim 7, while Schulte is silent as to the specific material of the anti-slip means, Maruyama discloses coating the shaped strip with rubber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the shaped strip with any conventional anti-slip material such as rubber since such

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materials are well-known in general in the art and particularly since Maruyama discloses coating the strip with rubber.(Col. 3, ll. 27-30)

Regarding claim 8, Schulte discloses the anti-slip means are located on the sides and top of the shaped strip while the bottom has increased slip to allow easy placement in a groove in the seat cushion. One in the art reading the reference as a whole would appreciate that the sides of the shaped strip, if coated with an anti-slip material, would make it difficult to place the strip in the groove since the sides of the strip would contain the sides of the groove, and the anti-slip coating would prevent them from moving relative to one another. Therefore, one in the art reading the reference as a whole would appreciate that the sides of the strip could be made without anti-slip coating to allow easy placement of the strip in the groove.

Regarding claim 9, the profile of the shaped strip is round.(Figure 1)

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Tolle(U.S Patent 4,057,956).

The references cited above do not disclose the hardness of the anti-slip material. Tolle discloses forming an anti-slip layer on a cable wherein the coating has a hardness of 60-70 so that it will be flexible but hard enough to prevent tearing and wear of the coating during use.(Col. 2, ll. 60-61; Col. 3, ll. 55-61) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the anti-slip layer have a hardness of about 60-70 since this would make it flexible but hard enough to prevent tearing and wear of the coating during use.(Col. 2, ll. 60-61; Col. 3, ll. 55-61)

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6. Claims 3-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Engelson(U.S. Patent 5,095,915).

The references cited above do not disclose how the coating is applied to the strip. Engelson discloses that coatings can be conventionally applied to thin strips by extrusion or dip coating.(Col. 4, ll. 31-37) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any conventional coating method to apply the anti-slip material to the shaped strips such as extrusion or dip coating since they are conventional methods of applying coatings to thin strips.(Col. 4, ll. 31-37)

Regarding claim 4, extrusion is considered a hot coating method.

Regarding claim 10, while the references do not indicate applying the anti-slip material as flakes, one in the art would appreciate that any conventional coating method could be used to apply the material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is **(571) 272-1222**. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

BJM

BJM

Steve D. Maki
STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733
12-15-03